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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,700	11/20/2000	Hal Minot	0326-138A	8486
9629 7590 08/24/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER GREIMEL, JOCELYN	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/717,700	MINOT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 44 and 46-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44,46-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 May 2007 has been entered.

Please note, the Examiner for this Application has changed.

### ***Status of Claims***

Claims 44 and 46-51 are currently pending. Claim 44 is currently amended. Claims 15-21, 35-41 and 45 are canceled. Claim 44 is an independent claim.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 44, 46-48 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Larche et al (US Patent No. 5,765,144, hereinafter Larche). In reference to claim 44, Larche discloses a method, system and apparatus comprising the steps of:

- a. receiving from a potential borrower, via a computer network, an indication of interest in exploring real estate property financing options (col. 2);
- b. receiving from said potential borrower, via said computer network, information regarding one or more real estate properties to be financed, said information including at least location, expected holding period, and use of each of said one or more real estate properties (col. 2-3; col. 5-6);
- c. receiving from said potential borrower, via said computer network, information describing one or more of said potential borrower's existing financial assets and said potential borrower's expected rate of return on said assets (col. 5-6);
- d. receiving, via said computer network, information describing one or more loan products (col. 4-5); and
- e. based on said received information, presenting, via a computer connected to said computer network, one or more loan product recommendations to said potential borrower and presenting projected borrower change in net worth information for each of said one or more loan product recommendations (col. 4-6, especially lines 31-64);

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- f. wherein for each of said one or more loan product recommendations, each projected borrower change in net worth is based on said expected rate of return applied to differences in monthly payments among loan products (col. 6-8).
3. In reference to claim 46-49 and 51, Larche discloses a method, system and apparatus further comprising:
- g. receiving from said potential borrower, via said computer network, an interest rate projection, and wherein said one or more loan product recommendations are based, at least in part, on said interest rate projection (col. 7);
  - h. receiving information, via said computer network, describing one or more financing goals of said potential borrower, and wherein said one or more loan product recommendations are based, at least in part, on said one or more financing goals (col. 6-8);
  - i. wherein said one or more loan product recommendations comprise a financing strategy recommendation (col. 6-8);
  - j. wherein each of said loan product recommendations is presented along with a corresponding estimated change in net worth (col. 2; col. 6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larche in view of Official Notice. In reference to claims 49-50, Larche does not disclose a method, system and apparatus:

k. Wherein each said loan product recommendations is assigned a total score; and

l. Wherein said total score is based on total product score and a goal score.

The Examiner takes Official Notice that scoring or ranking of products in an electronic selection process is old and well-known in the art of product selection. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the system for selecting liability products of Larche to include a scoring or ranking system because it would be another way to visually illustrate to the client the

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various products making selection easier, thereby making the system more user friendly and efficient.

### ***Response to Arguments***

7. Applicant's arguments filed 17 May 2007 have been fully considered but they are not persuasive. Larche addresses the net worth issue at col. 2 and 6.

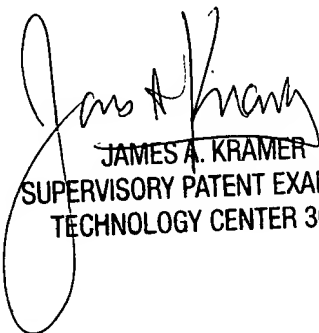
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
August 19, 2007

 8-20-07  
JAMES A. KRAMER  
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